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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision: 12th January, 2026*

+ **W.P.(C) 357/2026 CM APPL. 1763/2026**

UNION OF INDIA & ORS.

.....Petitioners

Through: Mr. Akash Chatterjee, SPC, Ms. Shivani Sethi, Major Anish Murlidhar, Army.

Versus

NAIK SURAT SINGH

.....Respondent

Through: Ms. Archana Ramesh, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO , J. (ORAL)

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1. Allowed, subject to all just exceptions.
2. The application is disposed of.

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3. The present writ petition under Article 226 of the Constitution of India has been filed by the petitioners challenging the order dated 06.10.2022 passed by the Armed Forces Tribunal, Principal Bench, New Delhi, (hereinafter, 'Tribunal') in Original Application 1484/2016



(hereinafter, 'OA'), whereby the Tribunal has allowed the OA by granting disability element of pension at 20% w.e.f., 24.04.1982 rounded off to 50% to the respondent, w.e.f. 01.01.1996. The Tribunal held that the arrears will, however, be limited to three years prior to the filing of the OA.

4. The submission of the learned counsel for the petitioners is that since the subsequent resurvey medical board(s) held on 27.10.1996, 20.09.1999 and also on 28.04.2004 have assessed the disability of the respondent between 15% to 19 %, for five years/for life, respectively, which assessment of disability is less than 20%, that is the threshold for being granted the disability pension, the Tribunal could not have granted the relief in the manner it has done in the impugned order dated 06.10.2022.

5. Though, the said submission looks appealing on a first blush, we find that the conclusion of the Tribunal is contrary to the initial order dated 13.02.2017 passed in O.A. 1484/2016 by the Tribunal, wherein, the Tribunal has determined the eligibility of the petitioners for disability pension, by noting the fact, that the disability is to the tune of 100%.

6. Concededly, the order dated 13.02.2017 has not been challenged by the petitioners and the same has attained finality. In the absence of challenge, the benefit granted *vide* the impugned order dated 06.10.2022, cannot be challenged.

7. During the course of hearing, we have been informed that the respondent, Naik Surat Singh has expired. If that be so, it is also not disputed on expiry of Naik Surat Singh, his wife shall only be entitled to ordinary family pension.

8. Noting the above aspects and, making it clear that the question of law



which has been raised by the petitioners in this writ petition as open, we dismiss the present writ petition. If the final outcome of the case in **Union of India v. Ex Sgt Girish Kumar**, pending before the Hon'ble Apex Court is favourable to the respondent's wife it shall be implemented, and arrears will be paid to the respondent's wife from the date made applicable, on the Broad Banding of disability pension by the Hon'ble Apex Court.

9. Accordingly, the petition along with pending application(s), if any, is disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JANUARY 12, 2026/tg